Mr. P. K. Narayana Pillai (Member, Municipal Council, Kottayam) in urging the need for making legal provision for partition in Nair tarwads, said that, although only 8 years had passed since the passing of the Nair Regulation, I of 1088, there was a strong consensus of opinion in favour of amending it. That was because the Regulation, while being merely a "graft" on the pre-existing customary law, did not deal with the whole of it, but only a parcel of such law; and the existing statutory provisions were inadequate to meet the aspirations of the Nair community. He then pointed out that, though, as a result of the legal recognition in the Regulation of the marital unions of Nair females, the rights of maintenance, guardianship, &c., have followed, the law did not provide adequate means of enforcing those rights. The Member cited the instance of a Nair or Nambutiri husband who had no self-acquired and separate property to be proceeded against for the satisfaction of a decree awarding maintenance to the wife. He, therefore, suggested that a charge should be created on the husband's or father's tarwad properties for the maintenance of a Nair wife and children. The Member also brought to notice that the claim for restitution of conjugal rights was similarly unenforceable by a Nair or Nambutiri husband, because, if he was a junior member, it was open to the karanavan to object to the wife's residence in the husband's family. The case would be different, if individual partition were allowed. He suggested the following changes in the Regulation :—

(1) the distinction of half and whole maintained in Sections 12 to 14, in the matter of inheritance, should be done away with;

(2) there should be the right of inheritance in the case of non-Nair husbands or fathers;

(3) Section 19 requiring the written consent of the junior member for the sale of movables including cocoanuts should be modified, as such restriction could not have been intended.

The Member concluded by saying that economic and industrial development was impossible without individual partition and prayed for such partition being provided for in the statute.

Dewan's reply.—I have heard the very interesting and valuable remarks of Messrs. Govinda Pillai and Narayana Pillai regarding the Nair Regulation Amendment Bill which is now before the Legislative Council. I am sure that, when the Bill passes through the Legislative Council, these observations will be duly considered.

34. Observations on the draft Ezhava Bill.

Mr. R. Kochummini (Member, Nominated) represented that the Ezhava community viewed with pleasure the action taken by Government to introduce a uniform system of law among its members throughout the State. He, however, pointed out that the members of the Committee appointed to investigate the system of inheritance, &c., obtaining among the Ezhavas and to report the lines on which legislation was needed did not discharge their duties satisfactorily. He stated that the members of the Committee had preconceived notions on the subject, that they conducted the examination of witnesses in such a manner as to strengthen their own views and that they did not care to ascertain the general sense of the community. The Member complained that the Bill introduced into the Legislative Council was defective in many respects and did not meet with the approval of the community.

First, with regard to clause 14, the Member said that the system of inheritance therein proposed tended to pave the way for Makkathayam, which was too radical a change and was unsuited to the present condition of the community. The mixed system of inheritance which was followed by a large proportion of the community was quite enough to meet the present requirements. The evidence collected by the Ezhava Law Committee was, in that respect, not satisfactory, because most of the witnesses who deposed before the Committee in support of the principle were ignorant persons who did not know what they were speaking about. The Member also observed that the provision that the self-acquired property of an Ezhava dying without issue should devolve on his wife was inequitable, inasmuch as it left out of account the poor old parents, if any, of the deceased. In the Member's opinion

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half the property alone should go to the wife. Another objection to the Bill raised by the Member was that its provisions did not affect Makkathayam Ezhavas. That would be destructive of uniformity as regards the community as a whole and was not therefore a desirable restriction of the scope of the proposed law. Lastly, the Member touched upon *tavazhee* partition which, he said, was highly desirable; but he suggested two modifications to clause 27 of the Bill, *viz.*, (*a*) that partition should be so effected as to give equal shares to all the *tavazhees*, irrespective of the number of Members in each, and (*b*) that partition should give only the right of enjoyment and not that of alienation.

Dewan's reply.—This again is in the nature of a criticism on a Bill that is already before the Legislative Council. The Bill has been referred to a Select Committee, and it is going to be threshed out in all the details by the Committee. The observations of the Member will be referred to that Committee for its consideration. The representations already received on the subject have been sent to the Committee who are waiting to see if any more representations will come, so that they may consider the subject from all aspects. I am afraid that it is too late in the day to say that the Ezhava Law Committee which was appointed to examine the question of Ezhava inheritance, did not go about its work in the proper way. We must recognise that it was a responsible Committee and that it tried to do its work well and that its considered conclusions deserve the serious attention of the public as well as of Government. The Bill is the result of the deliberations of that Committee. It does not follow that the Bill as drafted should be passed intact by the Legislative Council. The Bill will be subjected to close scrutiny both by the Select Committee and by the Legislative Council.

35. The desirability of expunging the provision relating to the registration of canoes from the Public Canals and Ferries Regulation, I of 1084.

Mr. Lukka Mathai (Member, Changanacherry Taluk) represented that the Public Canals and Ferries Regulation was an enactment opposed to all sound principles of legislation and taxation, that it was fraught with evils and inconveniences, that the advantages, if any, derived therefrom, were quite disproportionate to the inconveniences and troubles caused thereby, that it was an impediment to the punja cultivators of Kuttanad and that it worked hardship both to the owner and the hirer of a boat. The Member's main objection was to the levying of "registration fees" on all boats above one ton. He viewed this as a tax on either the owner or the hirer of the boat and he showed, by a calculation of the average annual income from a boat, that neither the owner nor the hirer derived such income as would justify the imposition of any tax. The average daily income of the hirer of a boat, the Member put at Chs. 14½, and the registration fee amounted to cash 8 a day on this poor income. Such an income-tax, he said, was unjustifiable and unheard of in any other part of the world. Further, the rule requiring the registration of all boats above one ton would work considerable hardship on the punja cultivators of Kuttanad. It had been their lot, the Member said, to live in a portion of the State where they could not do without boats, and hence it was unfair that Government should take advantage of their unavoidable necessity by levying a tax on their very means of existence. He pointed out that the recent amending Bill, if passed, would work greater hardship, since the exemption in the existing Regulation in favour of boats used for private purposes did not find a place in the Bill. The Member finally prayed that, in view of the above facts and of the repeated representations by Assembly Members, deputations, &c., regarding the inconveniences and hardships to the public caused by the Regulation, Government might be pleased to repeal it.

Dewan's reply.—I do not think that I should say much on this subject. The Bill has been just passed by the Legislative Council. It has been observed by the Member that the Bill is opposed to all canons of legislation. Such a sweeping criticism deserves no answer. The Legislation was undertaken with a view to make the law on the subject conform to that in British India and Cochin. If we have erred, we have erred in good company. The object of the Government is not to molest the ryot; on the contrary, if you take out a license in Travancore under the

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